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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 EDWARD SEELY, *et al.*,

Case No. 3:15-cv-00118-MMD-VPC

10 Plaintiff,

11 v.

ORDER

12 ISIDRO BACA, RON SCHRECKENGOST,
LISA WALSH, E. K. MCDANIEL, GREG
COX, BRIAN SANDOVAL,.

13 Defendants.
14

15 **I. SUMMARY**

16 Before the Court are Plaintiffs' two objections to the Magistrate Judge's pretrial
17 rulings relating to discovery disputes. (ECF Nos. 63, 70.) The Court has reviewed
18 Defendants' responses to Plaintiff's objections. (ECF Nos. 66, 71.)

19 **II. LEGAL STANDARD**

20 Magistrate judges are authorized to resolve pretrial matters subject to district court
21 review under a "clearly erroneous or contrary to law" standard. 28 U.S.C. § 636(b)(1)(A);
22 *see also* Fed. R. Civ. P. 72(a); LR IB 3-1(a) ("A district judge may reconsider any pretrial
23 matter referred to a magistrate judge in a civil or criminal case pursuant to LR IB 1-3,
24 where it has been shown that the magistrate judge's ruling is clearly erroneous or contrary
25 to law."). A magistrate judge's order is "clearly erroneous" if the court has "a definite and
26 firm conviction that a mistake has been committed." *See United States v. U.S. Gypsum*
27 *Co.*, 333 U.S. 364, 395 (1948); *Burdick v. Comm'r IRS*, 979 F.2d 1369, 1370 (9th Cir.
28 1992). "An order is contrary to law when it fails to apply or misapplies relevant statutes,

1 case law, or rules of procedure.” *Jadwin v. Cty. of Kern*, 767 F. Supp. 2d 1069, 1110-11
2 (E.D. Cal. 2011) (quoting *DeFazio v. Wallis*, 459 F. Supp. 2d 159, 163 (E.D.N.Y. 2006)).
3 When reviewing the order, however, the magistrate judge “is afforded broad discretion,
4 which will be overruled only if abused.” *Columbia Pictures, Inc. v. Bunnell*, 245 F.R.D.
5 443, 446 (C.D. Cal. 2007). The district judge “may not simply substitute its judgment” for
6 that of the magistrate judge. *Grimes v. City and County of San Francisco*, 951 F.2d 236,
7 241 (9th Cir. 1991) (citing *United States v. BNS, Inc.*, 858 F.2d 456, 464 (9th Cir. 1988)).

8 **III. OBJECTION TO JANUARY 18, 2017 DISCOVERY RULINGS (ECF No. 63)**¹

9 On January 18, 2017, after hearing arguments on Plaintiffs’ discovery motions, the
10 Magistrate Judge denied some of Plaintiffs’ requests, took some issues under submission
11 and directed the parties to participate in a telephonic meet and confer to determine the
12 status of Plaintiffs’ issues concerning discovery. Having reviewed the briefs relating to
13 Plaintiffs’ objection as to the Magistrate Judge’s rulings, the Court agrees with Defendants
14 that Plaintiffs have not demonstrated that the Magistrate Judge’s rulings are clearly
15 erroneous or contrary to law.

16 **IV. OBJECTION TO MARCH 1, 2017 RULING ON DISCOVERY OF DRAFT** 17 **AGREEMENT (ECF NO. 70)**

18 The Magistrate Judge determined that Defendants are not required to disclose to
19 Plaintiffs a draft proposed settlement agreement (“Draft Document”) prepared by the U.S
20 Department of Justice, Civil Rights Division, in connection with its investigation of the
21 Northern Nevada Correctional Center under the Americans with Disabilities Act and the
22 Rehabilitation Act.² (ECF No. 67.) The Magistrate Judge reasoned that the Draft

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24 ¹LR 7-3(b) limits the length of motions, other than motions for summary judgment,
25 to 24 pages. Plaintiffs’ objection is 29 pages in length and exceeds the limit established
26 under LR 7-3(b).

27 ²Plaintiffs’ objection references “the ADA Report,” suggesting that the report
28 identified deficiencies that predated any settlement. (ECF No. 70 at 9.) However, as the
Magistrate Judge determined, the document in dispute is a draft settlement agreement,
not a report of any alleged non-compliance issues.

Document is a proposed settlement agreement to which Plaintiffs are not parties, is neither signed nor finalized and is not admissible under Federal Rules of Evidence 408.


Plaintiff argues that discovery is not limited to what is admissible, citing to Fed. R. Civ. P. 26(b)(1). Rule 26(b)(1) provides in part that “[i]nformation within the scope of discovery need not be admissible in evidence to be discoverable.” Fed. R. Civ. P. 26(b)(1). However, the scope of discovery is limited by what is relevant to the parties’ claims or defenses and proportional to the needs of the case. Fed. R. Civ. P. 26(b)(1). Here, the Magistrate Judge correctly found that the Draft Document is not relevant to Plaintiffs’ claims because it is in draft form, is not finalized nor signed and Plaintiffs were not parties to the dispute that resulted in the Draft Document being prepared. Thus, Plaintiffs have not demonstrated that the Magistrate Judge’s ruling is clearly erroneous or contrary to law.

V. CONCLUSION

The Court notes that the parties made several arguments and cited to several cases not discussed above. The Court has reviewed these arguments and cases and determines that they do not warrant discussion as they do not affect the outcome of Plaintiffs’ objections.

It is therefore ordered that Plaintiffs’ objections to the Magistrate Judge’s discovery rulings (ECF Nos. 63, 70) are overruled.

DATED THIS 11th day of August 2017.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE